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Atty. Dkt. No. 029815-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Sweeney, Patrick J.

Title:

VERTEBRAL PROSTHESIS

Appl. No.:

10/686,998

Filing Date:

10/16/2003

Examiner:

Barrett, Thomas C.

Art Unit:

3738

CERTIFICATE OF EXPRESS MAILING

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EV 593169623 US 8/24/05

(Express Mail Label Number) (Date of Deposit)

Carolyn Simpson

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of the foreign search report.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date

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9	Substitute for form	1449B	PTO	Complete if Known				
. 0016	PNFORMATION DI	ISCLO	SURE	Application Number	10/686,998			
W6 2 4 2005	STATEMENT BY	APPLI	CANT	Filing Date	10/16/2003			
100	23.1	muct 2	4 2005	First Named Inventor	Patrick J. Sweeney			
3	ste Submitted: Au	gust 2	4, 2005	Group Art Unit	3738			
WE L'ADIAN	(use as many sheets	as ne	cessary)	Examiner Name	Barrett, Thomas C.			
Sheet	1	of	1	Attorney Docket Number	029815-0103			

	U.S. PATENT DOCUMENTS								
Examiner Initials*	Cite No.1	U.S. Patent D	Document		Date of Publication of	Pages, Columns, Lines, Where Relevant			
		Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear			
	A1	6,106,557		Robioneck et al.	08-22-2000				
	A2	5,147,404		Downey	09-15-1992				
	A3	4,932,975		Main et al.	06-12-1990				
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	FOREIGN PATENT DOCUMENTS									
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee	Date of Publication of Cited Document	Pages, Columns, Lines, Where Relevant			
		Office ³	Number⁴	Kind Cod (if known		ments MM-DD-YYYY	Passages or Relevant Figures Appear	T ⁶		
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NON PATENT LITERATURE DOCUMENTS							
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶				
•	A4	International Search Report and Written Opinion for Application No. PCT/US04/33765, date of mailing June 29, 2005, 10 pages.					

001.1874034.1

Examiner Signature		Date Considered		

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). *For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

*Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

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